

## REMARKS

This Response is submitted in reply to the Office Action mailed November 14, 2005. Claims 1, 8 to 10, 18, 19, 24, 25, 30 and 88 have been amended for purposes of clarity. Claims 89 to 101 have been added. No new matter has been added by way of these amendments.

A Petition for a Three Month Extension of Time is submitted herewith. Please charge deposit account number 02-1818 to cover the cost of the Three Month Extension of Time and for any other fees due in connection with this response.

The Office Action rejected Claim 88 under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement because "delivering payoffs in the underlying game of chance prior to playing the knowledge based game is not discussed in the specification." Applicant respectfully disagrees with this statement. Specifically, delivering payoffs in the underlying game of chance is disclosed in Fig. 2. Additionally, on page 38 of the specification, the specification states:

[i]n a conventional fashion, this would include placing wagers, plying the underlying casino game of chance according to the rules of the game, and receiving awards (payoffs), if any, based upon the placed wagers in state 216. The delivered award (payoffs) occur in state 216 and the play of the underlying game in state 212 provides an initial expected return, therefore a first House Advantage to the casino.

Applicant respectfully requests that this rejection be withdrawn.

The Office Action rejected:

1. Claims 1, 3, 8 to 10, 18, 19, 24, 25, 30 and 88 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 6,193,606 to Walker ("Walker") in view of the teachings of the publications by Vancura, Martinez or Kilby;

2. Claims 1, 3, 8 to 10, 18, 19, 24, 25, 30 and 88 under 35 U.S.C. 103 as being unpatentable over U.K. Patent No. 2,262,642 to Claypole et al. ("Claypole") in view of the teachings of the publications by Vancura, Martinez or Kilby; and

3. Claims 1, 3, 8 to 10, 18, 19, 24, 25, 30 and 88 under 35

U.S.C. 103 as being unpatentable over U.S. Patent No. 5,848,932 to Adams ("Adams") in view of the teachings of the publications by Vancura, Martinez or Kilby.

**1. The rejections over Walker in view of the teachings of Vancura, Martinez or Kilby**

Walker discloses a gaming system that allows a player to play a game of knowledge, such as a trivia game, while playing a slot game on a slot machine. The player can use successful trivia results to access higher reward levels with the slot game, with each reward level having progressively higher payouts for a given winning combination or a higher probability of a winning result. The trivia questions are stored in a question database after being obtained from a remote source.

More specifically, the gaming system includes a plurality of gaming machines, a probability table and a plurality of payout tables. The probability table includes each possible reel combination and number ranges assigned to each possible reel combination. The different payout tables are associated with different reward levels which are determined by predefined criteria. The gaming system monitors a player's trivia question performance to determine the player's payout table for the slot game. If the player meets certain predefined criteria, the gaming system moves the player up a reward level. For example, every time the player answers three correct trivia questions, they move up a reward level and thus a paytable.

In a play of the game, a player inserts credits into the machine and presses a spin reels button. The gaming system generates a number via a random number generator. The gaming system determines the current reward level and looks up the number on the appropriate probability table to determine a reel combination. The gaming system causes the reels to spin and to stops the spinning to generate and display the determined reel combination. While the reels are spinning, the gaming system provides the player a trivia question. Based on the identified slot outcome and the player's answer to the trivia question, the gaming system locates the appropriate payout table and determines an award for the player.

For example, the gaming system randomly generates a number and matches the

number on the probability table to a symbol combination of bar/plum/plum. A first payout table provides an award of 14 for not answering the trivia question, an award of 18 for a correct trivia answer and an award of 12 for an incorrect trivia answer. A first payout table provides an award of 14 for not answering the trivia question, an award of 20 for a correct trivia answer and an award of 12 for an incorrect trivia answer. The payout table used in determining the outcome for the player is based on the player's reward level.

Vancura, Martinez and Kilby are publications relating to the general concept of a house advantage in gaming.

Neither Walker, Vancura, Martinez nor Kilby teach, disclose or suggest the combination of elements of amended Claim 1. Specifically, neither Walker, Vancura, Martinez nor Kilby teach, disclose or suggest playing an underlying game of chance which results in a first outcome provided to the player, the first outcome dependent upon at least one random determination, the underlying game of chance having a first house advantage, and playing a knowledge-based bonus game using answers from a player in combination with the underlying game of chance, the play of the knowledge-based bonus game resulting in a second outcome provided to the player and dependent upon the knowledge of the player.

While Walker includes a trivia game, in Walker, the player receives a single award based on both the random game outcome from the slot game in combination with the trivia game, as illustrated in Figures 9 and 10 of Walker.

Additionally, neither Walker, Vancura, Martinez nor Kilby teach, disclose or suggest, in combination with the other elements of amended Claim 1, the knowledge-based bonus game being configured to maintain within a predetermined range a second house advantage for the combined knowledge-based bonus game with the underlying game of chance, the predetermined range configured to account for an expected return provided by the play of knowledge-based bonus game by the player guessing answers and by the player having perfect knowledge of answers.

As indicated in the Board Decision mailed August 17, 2005, Applicant has clarified the meaning of the claims and Applicant respectfully submits that Claim 1 and

Claim 3, which depends from Claim 1, are patentable over Walker in view of the teachings of Vancura, Martinez or Kilby and are in condition for allowance.

Additionally, Applicant submits that Claims 8 to 10, 18, 19, 24, 25, 30 and 88 are patentable over Walker in view of the teachings of Vancura, Martinez or Kilby and are in condition for allowance for reasons similar to the reasons submitted with respect to Claim 1.

## **2. The rejections over Claypole in view of the teachings of Vancura, Martinez or Kilby**

Claypole discloses a gaming machine which has a reel display including three rotatable reels with fruit symbols and a video display screen. Elements of a trail system are progressively illuminable by certain outcomes of a game played on the reels. Sufficient advancement of the illuminable trail elements initiates the display of a video game on a second display screen. In one embodiment, the award for reaching a particular advancement on the trail is a skill game which is played using another display screen. The skill game may be provided as an award based on the reel game. The skill game may be a quiz game providing an award for a correct answer. The skill game may be a shooting game which can provide an award dependent on the player's success in the shooting game.

Neither Claypole, Vancura, Martinez nor Kilby teach, disclose or suggest the combination of elements of amended Claim 1. Specifically, neither Claypole, Vancura, Martinez nor Kilby teach, disclose or suggest playing an underlying game of chance which results in a first outcome provided to the player, the first outcome dependent upon at least one random determination, the underlying game of chance having a first house advantage, and playing a knowledge-based bonus game using answers from a player in combination with the underlying game of chance, the play of the knowledge-based bonus game resulting in a second outcome provided to the player and dependent upon the knowledge of the player.

Additionally, neither Claypole, Vancura, Martinez nor Kilby teach, disclose or suggest, in combination with the other elements of Claim 1, the knowledge-based bonus game being configured to maintain within a predetermined range a second house

advantage for the combined knowledge-based bonus game with the underlying game of chance, the predetermined range configured to account for an expected return provided by the play of knowledge-based bonus game by the player guessing answers and by the player having perfect knowledge of answers.

Applicant respectfully submits that Claim 1 and Claim 3, which depends from Claim 1, are patentable over Claypole in view of the teachings of Vancura, Martinez or Kilby and are in condition for allowance.

Additionally, Applicant submits that Claims 8 to 10, 18, 19, 24, 25, 30 and 88 are patentable over Claypole in view of the teachings of Vancura, Martinez or Kilby and are in condition for allowance for reasons similar to the reasons submitted with respect to Claim 1.

### **3. The rejections over Adams in view of the teachings of Vancura, Martinez or Kilby**

Adams discloses a gaming device which includes a plurality of reels and a rotatable, horizontally rotating wheel. In one embodiment, the wheel is located above the reels. The wheel is visible by the player and is actuatable upon a triggering event. In one embodiment, Adams discloses the gaming machine includes based, at least in part, one payout multiplier located on top of the gaming machine. This bonus multiplier can randomly select a value by which the bonus amount indicated on the wheel is multiplied. Adams discloses that this multiplier is an "LED screen which cycles through multipliers of 'times one,' 'times two,' and 'times three' which will indicate that the bonus is as indicated, doubled, or tripled, respectively." When the wheel is not in use, Adams discloses that the LED screen can be in attract mode. The bonus LED screen of Adams may be synchronized with the movement of the rotatable wheel or indicia or a rotatable reel, such that the multiplier value will change as each wheel segment passes the indicator. In an alternative embodiment, Adams discloses that the multiplier involves some skill on the part of the player, such as shooting projectiles, such as coins at targets, to increase the value of the multiplier.

The combination of Adams, Vancura, Martinez and Kilby do not render obvious the combination of elements of amended Claim 1. Specifically, this combination does

not render obvious playing an underlying game of chance which results in a first outcome provided to the player, the first outcome dependent upon at least one random determination, the underlying game of chance having a first house advantage, and playing a knowledge-based bonus game using answers from a player in combination with the underlying game of chance, the play of the knowledge-based bonus game resulting in a second outcome provided to the player and dependent upon the knowledge of the player. Additionally, this combination does not render obvious the knowledge-based bonus game being configured to maintain within a predetermined range a second house advantage for the combined knowledge-based bonus game with the underlying game of chance, the predetermined range configured to account for an expected return provided by the play of knowledge-based bonus game by the player guessing answers and by the player having perfect knowledge of answers.

Applicant respectfully submits that Claim 1 and Claim 3, which depends from Claim 1, are patentable over Adams in view of the teachings of Vancura, Martinez or Kilby and is in condition for allowance.

Additionally, Applicant submits that Claims 8 to 10, 18, 19, 24, 25, 30 and 88 are patentable over Adams in view of the teachings of Vancura, Martinez or Kilby and are in condition for allowance for reasons similar to the reasons submitted with respect to Claim 1.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

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